

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

ABLE ROLLING STEEL DOOR, INC.  
Employer

and

Case 22-RC-265289

INTERNATIONAL ASSOCIATION OF BRIDGE,  
STRUCTURAL, ORNAMENTAL AND REINFORCING  
IRON WORKERS, AFL-CIO  
Petitioner

ORDER

The Employer's Request for Review of the Acting Regional Director's Decision on Objections and Certification of Representative is denied as it raises no substantial issues warranting review.<sup>1</sup>

MARVIN E. KAPLAN, MEMBER

WILLIAM J. EMANUEL, MEMBER

JOHN F. RING, MEMBER

Dated, Washington, D.C., April 15, 2021.

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<sup>1</sup> In denying review, we note that the Employer misapplies *Milchem, Inc.*, 170 NLRB 362 (1968), by arguing that Union Delegate Bob Cosgrove's single conversation with an employee during the 3-week mail-balloting period per se warranted a second election. The Employer's offer of proof alleged that Cosgrove, a stranger to the employee, addressed the employee by name near the Employer's parking lot at some point during the 3-week period and asked him how he would vote in the election. *Milchem* held that any sustained conversation between a voter and a representative of a party while the voter *is in the polling area waiting to vote* warrants the election being set aside and a second election held. 170 NLRB at 362-363 (emphasis added). *Milchem* accordingly is inapplicable to Cosgrove's alleged conduct. For other types of alleged electioneering, "the Board determines whether the conduct, under the circumstances, is sufficient to warrant an inference that it interfered with the free choice of the voters." *Boston Insulated Wire & Cable Co.*, 259 NLRB 1118, 1118-1119 (1982) (internal quotation marks omitted), *enfd.* 703 F.2d 876 (5th Cir. 1983). We agree with the Acting Regional Director that Cosgrove's conduct was not objectively coercive and therefore did not interfere with employee free choice.